

01-02-02

A

Docket No. 4110-4002US1

Express Mail No. EF098977416US



↑ AFFIX CUSTOMER NO. LABEL ABOVE ↑

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY APPLICATION AND FEE TRANSMITTAL §(1.53(b))

Commissioner for Patents  
Washington, DC 20231

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) names and addresses:

(1) Justin F. Chapweske  
c/o openCOLA, Inc. , 160 Bloor St. East, Suite 155, Toronto, Ontario, Canada M4W1B9

(2)

Additional inventors are listed on a separate sheet

For:

Enclosed Are:

36 page(s) of specification

1 page(s) of Abstract

18 page(s) of claims

3 sheets of  Formal  Informal drawings

6 page(s) of Declaration and Power of Attorney

Unsigned

Newly Executed

Copy from prior application

Deletion of inventors including Signed Statement under 37 C.F.R. §1.63(d)(2)

10033305-122801

FOR FEE "SECRET"

**REQUEST AND CERTIFICATION UNDER 35 U.S.C. §122(b)(2)(B)(i) (form PTO/SB/35)**

As indicated on the attached Request and Certification, Applicant(s) certify that the invention disclosed in the attached application HAS NOT and WILL NOT be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Applicant(s) therefore request(s) that the attached application NOT be published under 35 U.S.C. §122(b).

Incorporation by Reference:

The entire disclosure of the prior application, from which a copy of the combined Declaration and Power of Attorney is supplied herein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.

Deletion of Inventors (37 C.F.R. §1.63(d) and §1.33(b))

Signed statement attached deleting inventor(s) named in the prior application serial no. \_\_\_\_, filed \_\_\_\_.

Microfiche Computer Program (Appendix)

- page(s) of Sequence Listing
- computer readable disk containing Sequence Listing
- Statement under 37 C.F.R. §1.821(f) that computer and paper copies of the Sequence Listing are the same

Assignment Papers (assignment cover sheet and assignment documents)

- A check in the amount of \$40.00 for recording the Assignment
- Charge the Assignment Recordation Fee to Deposit Account No. 13-4500, Order No. 4110-4002US1.
- Assignment Papers filed in the parent application Serial No. \_\_\_\_\_

Certification of chain of title pursuant to 37 C.F.R. §3.73(b)

Priority is claimed under 35 U.S.C. §119 for:  
Application No(s). \_\_\_\_\_, filed \_\_\_\_\_, in \_\_\_\_\_ (country).

- Certified Copy of Priority Document(s) [\_\_\_\_\_]  
  - filed herewith
  - filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

- English translation document(s) [\_\_\_\_\_]  
  - filed herewith
  - filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

Priority is claimed under 35 U.S.C. §119(e) for:  
Provisional Application No. 4110-4002US1, filed 12/29/00.

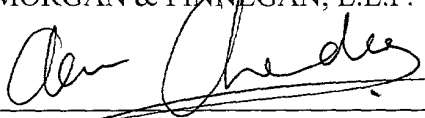
- Information Disclosure Statement
  - Copy of [\_\_\_\_\_] cited references
  - PTO Form-1449
  - References cited in parent application Serial No. 60/258,981, filed 12/29/00.
  
- Related Case Statement under 37 C.F.R. §1.98(a)(2)(iii)
  - A copy of related pending U.S. Application(s) Serial No(s): \_\_\_\_\_, filed \_\_\_\_\_, respectively, is attached hereto.
  - A copy of related pending U.S. Application(s) entitled, \_\_\_\_\_, filed \_\_\_\_\_ to inventor(s) \_\_\_\_\_, respectively, is attached hereto.
  - A copy of each related application(s) was submitted in parent application serial no. \_\_\_\_\_, filed \_\_\_\_\_.
  
- Preliminary Amendment
- Return receipt postcard (MPEP 503)
- This is a  continuation  divisional  continuation-in-part of prior application serial no. \_\_\_\_\_, filed \_\_\_\_\_, to which priority under 35 U.S.C. §120 is claimed.
  - Cancel in this application original claims \_\_\_\_\_ of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
  - A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application).
  
- The status of the parent application is as follows:
  - A Petition for Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until \_\_\_\_\_.
  - A copy of the Petition for Extension of Time in the co-pending parent application is attached.
  - No Petition for Extension of Time and Fee therefor are necessary in the co-pending parent application.
  
- Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.
  
- Transfer the drawing(s) from the parent application to this application
- Amend the specification by inserting before the first line the sentence:  
This is  continuation  divisional  continuation-in-part of co-pending application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

4003305 "P" 04

I. CALCULATION OF APPLICATION FEE				
	Number Filed	Number Extra	Rate	Basic Fee \$740.00/370.00
Total Claims	137- 20 =	117x	\$18.00/ \$9.00	\$ 1,053.00
Independent Claims	12- 3 =	9x	\$84.00/ \$42.00	\$ 378.00
<input type="checkbox"/> Multiple Dependent Claims		If marked, add fee of \$280.00 (\$140.00)		\$
TOTAL:				\$ 1,801.00

- Small entity status is or has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith \$1801.00.
- A check in the amount of \$\_\_\_\_\_ in payment of the application filing fees is attached.
- Charge fee to Deposit Account No. 13-4500, Order No. 4110-4002US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, **including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency** with the parent application, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4110-4002US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

By:   
Arun Chandra  
Registration No. 43,537

Dated: December 28, 2001

Correspondence Address:  
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FOUR SHEET

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Justin F. Chapweske

Group Art Unit: TBA

Serial No.: 60/258,981

Examiner: TBA

Filed: 12/29/00

For: APPARATUS, METHOD AND SYSTEM FOR AN ACKNOWLEDGEMENT  
INDEPENDENT EQUALIZED DATA PACKET TRANSFER MECHANISM OVER  
A PEER TO PEER NETWORK

**TRANSMITTAL OF DECLARATION PURSUANT TO 37 C.F.R. §1.63**

Commissioner for Patents  
Washington, DC 20231


Sir:

Transmitted herewith is a declaration pursuant to 37 C.F.R. §1.63 for the above-identified application.

The surcharge, pursuant to 37 C.F.R. §1.16(e), for filing a declaration on a date later than the filing date of the application is as follows:

- Filing by other than a small entity (\$130)
- Filing by a small entity (\$65)
- A check in the amount of \$\_\_\_\_\_ to cover the surcharge fee is enclosed.
- Charge surcharge fee to Deposit Account No. 13-4503, Order No. 4110-4002US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- The Commissioner is hereby authorized to charge any additional fees which may be required for filing this paper, or credit any overpayment to Deposit Account No. 13-4503, Order No. 4110-4002US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.



By:

Arun Chandra  
Registration No. 43,537

Dated: December 28, 2001

Correspondence Address:

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FOR PAPER SHEET

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Justin F. Chapweske

Group Art Unit: TBA

Serial No.: 60/258,981

Examiner: TBA

Filed: 12/29/00

For: APPARATUS, METHOD AND SYSTEM FOR AN ACKNOWLEDGEMENT  
INDEPENDENT EQUALIZED DATA PACKET TRANSFER MECHANISM OVER  
A PEER TO PEER NETWORK

**EXPRESS MAIL CERTIFICATE**

Express Mail Label No.: **EF098977416US**

Date of Deposit: **12/28/01**

I hereby certify that the following attached paper(s) and/or fee

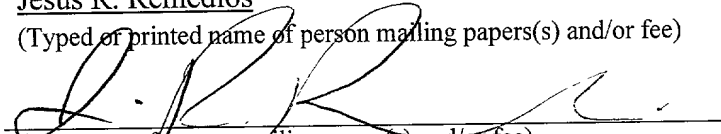
1. Utility Application and Fee Transmittal §(1.53(b)) (5 pages);
2. U.S. Utility Patent Application (58 pages total: 36 pgs Specifications; 1 pg. Abstract; 18 pgs. Claims; 3 pg. Figures)
3. Recordation Form Cover Sheet (1 page);
4. Assignment (2 pages);
5. Transmittal of Declaration Pursuant to 37 C.F.R. §1.63 (1 page);
6. Combined Declaration and Power of Attorney (6 pages);
7. Return Receipt Postcard (1 page); and
8. This Express Mail Certificate.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Commissioner for Patents, Washington, DC 20231

FOR "SECRET" SECURITY

Jesus R. Remedios

(Typed or printed name of person mailing papers(s) and/or fee)



(Signature of person mailing paper(s) and/or fee)

Correspondence Address:

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